BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, L.L.P.
ATTORNEYS AT LAW
RALEIGH, NORTH CAROLINA

L.P. McLENDON, JR.
HUBERT HUMPHREY
EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR.
WADE H. HARGROVE
M. DANIEL McGINN
MICHAEL D. MEEKER
WILLIAM G. McNAIRY
EDWARD C. WINSLOW III
HOWARD L. WILLIAMS
GEORGE W. HOUSE
WILLIAM P.H. CARY
REID L. PHILLIPS
ROBERT A. SINGER
JOHN H. SMALL
RANDALL A. UNDERWOOD
S. LEIGH RODENBOUGH IV
WILLIAM G. ROSS, JR.
MARK J. PRAK
JILL R. WILSON
MARC D. BISHOP
JIM W. PHILLIPS, JR.
MACK SPERLING
JEFFREY E. OLEYNIK
MARK DAVIDSON
MELISSA H. WEAVER
JAMES R. SAINTSING
JOHN W. ORMAND III
ROBERT J. KING III
STEVEN J. LEVITAS
V. RANDALL TINSLEY
JOHN R. ARCHAMBAULT
S. KYLE WOOSLEY
WILLIAM C. SCOTT
DANIEL M. SROKA
FORREST W. CAMPBELL, JR.
MARCUS W. TRATHEN
JEAN C. BROOKS
ANNE C. BRENNAN
ELLEN P. HAMRICK
ALLISON M. GRIMM
JAMES C. ADAMS, II
ELIZABETH S. BREWINGTON
JOHN K. EASON
WAYNE A. LOGAN
H. ARTHUR BOLICK II
NATASHA RATH MARCUS
ELIZABETH FAECHER CRABILL
JOHN M. CROSS, JR.
WINSTON P. LLOYD
EDWARD S. MEDINA
JENNIFER K. VAN ZANT
W. KEARNS DAVIS, JR.
TRACEY BANKS COAN
DAVID W. SAR
BRIAN J. McMILLAN
KATHLEEN M. THORNTON

MAILING ADDRESS
POST OFFICE BOX 1800
RALEIGH, N.C. 27602

STREET ADDRESS
SUITE 1600
FIRST UNION CAPITOL CENTER
RALEIGH, N.C. 27601

TELEPHONE 919-839-0300
FACSIMILE 919-839-0304

AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1928-1983)
CLAUDE C. PIERCE (1913-1988)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)

GREENSBORO OFFICE
2000 RENAISSANCE PLAZA
GREENSBORO, N.C. 27401

WASHINGTON OFFICE
2000 L STREET N.W., SUITE 200
WASHINGTON, D.C. 20036

DOCKET FILE COPY ORIGINAL

June 25, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Stop Code - 1170
Washington, D.C. 20554

Via Telecopier

Re: MM Docket No. 87-268

Dear Mr. Caton:

Transmitted herewith on behalf of The Hearst Corporation, licensee of WBAL-TV is a facsimile of an original plus eleven copies of and Opposition to Petition for Reconsideration.

If any questions should arise during the course of your consideration of these comments, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD

Mark J. Prak
Counsel to The Hearst Corporation

MJP:kws
Enclosures
c/word/hearst/wbal/wtc62597

cc: Leonard S. Joyce, Esquire (w/enc.)

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Advanced Television Systems	)	MM Docket No. 87-268
and Their Impact upon	)	
Existing Television Broadcast	)	
Service	)	

To: The Commission

OPPOSITION TO PETITION FOR RECONSIDERATION

The Hearst Corporation (Hearst), licensee of Television Station WBAL-TV, Baltimore, Maryland, by and through its undersigned counsel and pursuant to Section 1.106(g) of the Commission's Rules, hereby submits this Opposition to Petition for Reconsideration. On June 13, 1997, Sonshine Family TV Corp. (Sonshine), licensee of station WBPH-TV, Bethlehem, Pennsylvania filed a Petition for Partial Reconsideration of Sixth Report and Order in this proceeding. In opposition to the petition for reconsideration, Hearst submits the following comments.

In Appendix B of the Sixth Report and Order, MM Docket No.87-268, F.C.C. 97-115 (Released on April 21, 1997), the Commission assigned Sonshine's station WBPH-TV the DTV Channel 59, with an effective radiated power of 64.5 kilowatts and an antenna height above average terrain of 284 meters. The Commission also assigned DTV Channel 59 to Hearst's station WBAL-TV. Sonshine contends that 64.5 kilowatts power assignment for station WBPH-TV is too low and that there will be interference to station WBAL-TV.

Sonshine petitions the Commission to either (1) assign WBAL-TV a different DTV Channel, or (2) increase WBPH-TV's effective radiated power on DTV Channel 59 to 150 kilowatts.

Hearst would not oppose an alternate DTV channel for WBAL-TV so long as the new channel could provide improved coverage for WBAL-TV. See Engineering Statement of Bernard R. Segal, P.E. at p. 1 (June 23, 1997, copy attached as ***Exhibit A***). Hearst would much prefer an allotment in the core spectrum rather than the out-of-core channel 59 that it was allotted for its Baltimore station. However, owing to the extreme congestion in the DTV allotment process along the eastern seaboard, the prospect of locating an alternate DTV channel allotment for WBPH-TV probably has a greater chance for success than does finding an alternate DTV channel allotment for WBAL-TV. Segal Statement, p. 2.

Sonshine's request to increase WBPH-TV's DTV power to 150 kilowatts must be denied because to grant the request would increase interference to WBAL-TV's DTV operation. The studies discussed in Mr. Segal's engineering statement demonstrate that by increasing WBPH-TV's power to 150 kilowatts, interference to WBAL-TV would be increased by 68,000 persons and 25,000 households in an area of 260 square kilometers.[1] Figure one, premised on WBPH-TV operating at 64.5 kilowatts, shows the DTV interference to WBAL-TV affecting 88,000 households and 238,000 viewers. See Segal Statement, Interference Study, Figure 1. Figure 2, premised on WBPH-TV operation at 150 kilowatts, shows the DTV interference to WBAL-TV affecting 113,000 households and 306,000 viewers. See Segal Statement, Interference Study,

[1] The studies cited in Mr. Segal's statement were performed by the Telecommunications Analysis Services, a branch of the Institute for Telecommunications Sciences which, in turn, is a part of the U.S. Department of Commerce.

Figure 2. While it is axiomatic that the power increase proposed for WBPH-TV would increase its coverage range, such a change in power would cause harmful interference to WBAL-TV viewers.

In view of the foregoing, Hearst respectfully requests that the Commission deny Sonshine's Petition for Partial Reconsideration of Sixth Report and Order.

Respectfully submitted,

The Hearst Corporation

By: _____
Mark J. Prak
Counsel to The Hearst Corporation

June 24, 1997

Brooks, Pierce, McLendon,
Humphrey & Leonard, L.L.P.
Suite 1600
First Union Capitol Center
Raleigh, North Carolina 27601
(919) 839-0300

CERTIFICATE OF SERVICE

I, Karen W. Seibert, of the law firm of Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., hereby certify that a copy of the foregoing Opposition to Petition for Reconsideration was served on all parties by depositing said copy in the United States mail, postage prepaid, addressed as follows:

Leonard S. Joyce, Esquire
Law Offices of Leonard S. Joyce
5335 Wisconsin Avenue
Suite 400
Washington, DC 20015

This the 25th day of June, 1997.

Karen W. Seibert

EXHIBIT A

Engineering Statement

Bernard R. Segal, P.E.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

ORIGINAL

**ENGINEERING STATEMENT
IN SUPPORT OF OPPOSITION TO
SONSHINE FAMILY TV CORP.
PETITION FOR
PARTIAL RECONSIDERATION OF
SIXTH REPORT AND ORDER
MM DOCKET NUMBER 87-268**

The instant engineering statement has been prepared on behalf of The Hearst Corporation (Hearst), licensee of station WBAL-TV, Baltimore, Maryland. This statement supports an opposition to the Petition for Partial Reconsideration of the *Sixth Report and Order* in MM Docket Number 87-268 by Sonshine Family TV Corp. (Sonshine), licensee of station WBPH-TV, Bethlehem, Pennsylvania. In its Petition, Sonshine urges the FCC to find an alternate channel to channel 59 for DTV use for WBAL-TV, or alternatively, to change the replication power for WBPH-TV's DTV channel 59 to 150 kilowatts from 64.5 kilowatts. Hearst opposes the latter Sonshine proposal.

The suggestion of an alternate allotment channel for WBAL-TV DTV would be welcomed if the new channel could provide improved replication for the station. Hearst would much prefer an in-core spectrum allotment than the out-of-core channel 59 that was allotted. However, Hearst has accepted the

Bernard K. Segal, P.E.
Consulting Engineer
Washington, DC

realities of the replication process given the extreme congestion along the eastern seaboard, and suggests that the prospect for an alternate channel allotment for WBPH-TV has a greater chance for success than an alternate channel allotment for WBAL-TV.

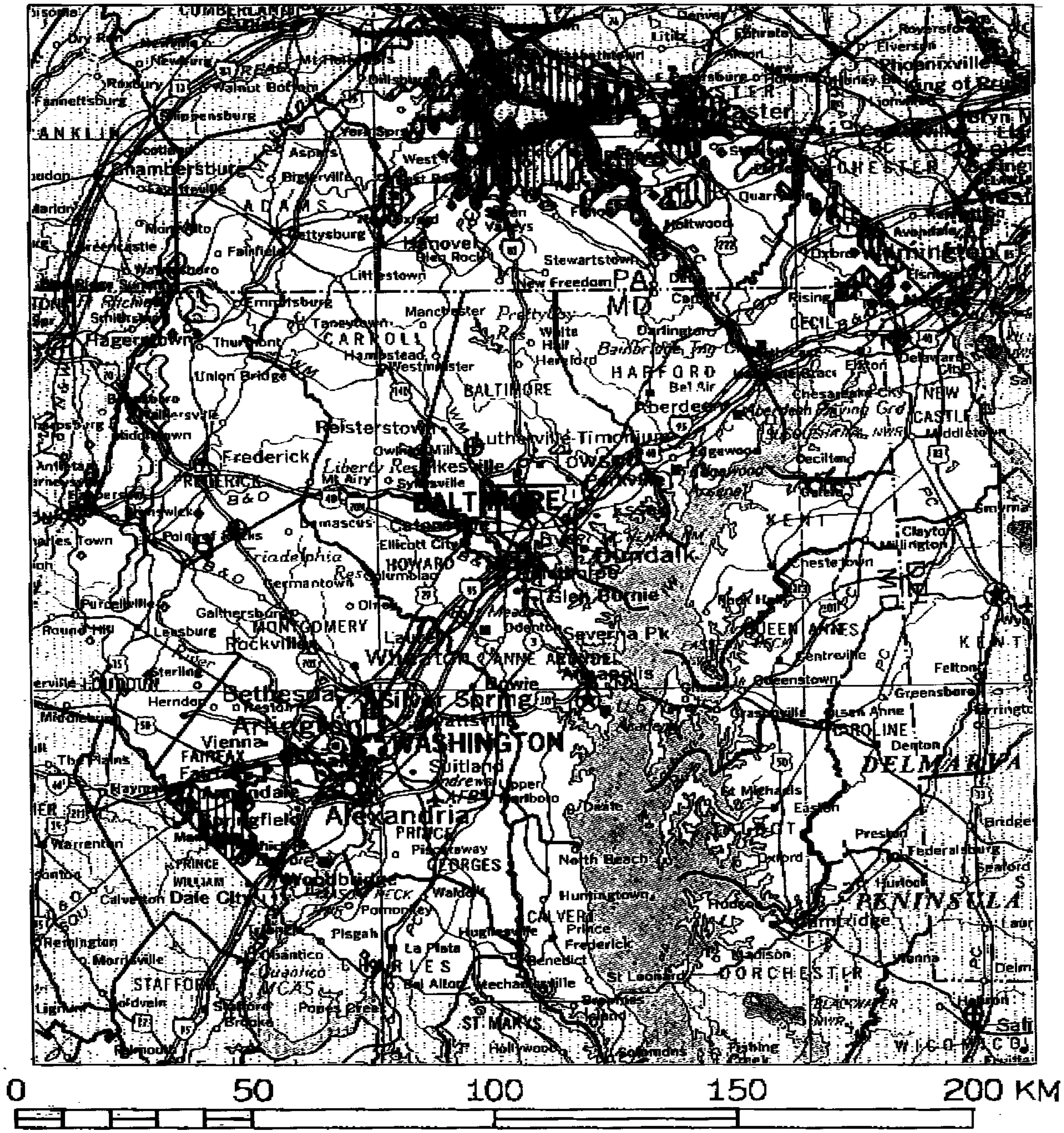
Insofar as the suggestion that the DTV allotment for WBPH-TV be increased to 150 kilowatts, Hearst opposes that suggestion because of the increased interference that will be caused to WBAL-TV's DTV operation. Figure 1 is an interference study showing the WBAL-TV DTV channel 59 coverage taking into account the current 64.5-kilowatt power level allotment for WBPH-TV on channel 59. Figure 2 shows the results of a similar study but for WBPH-TV operating with 150 kilowatts. The interference to WBAL-TV would be increased by 68,000 persons in an area of 260 square kilometers. While it is axiomatic that the power increase proposed for WBPH-TV would increase its coverage range, such an improvement should not be to the detriment of 68,000 WBAL-TV viewers.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

The studies of Figure 1 and Figure 2 were performed by Telecommunications Analysis Services (TAS), a branch of the Institute for Telecommunications Sciences (ITS) which, in turn, is part of the US Department of Commerce. The TAS methodology uses the Longley-Rice prediction method as implemented by the Irregular Terrain Model, Version 1.2.2. The results have been clipped at the outer limit of the predicted Grade B contour just as for the methodology employed by the FCC.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 24, 1997.

Bernard R. Segal, P.E.



JUNE 1997

INTERFERENCE STUDY*

WBAL-TV (DTV)

BALTIMORE, MARYLAND

CH 59	1000 KW	305 METERS

Prepared for

THE HEARST CORPORATION

Bernard R. Segal, P.E. Consulting Engineer

Note: **This study is premised on WBPH-TV Bethlehem, PA, DTV Ch. 59 operation with 64.5 KW / 284 meters.**

Signal to Interference ratio

No Interference
Area: 26970. sq km
Population: 6983000.
Households: 2586000.

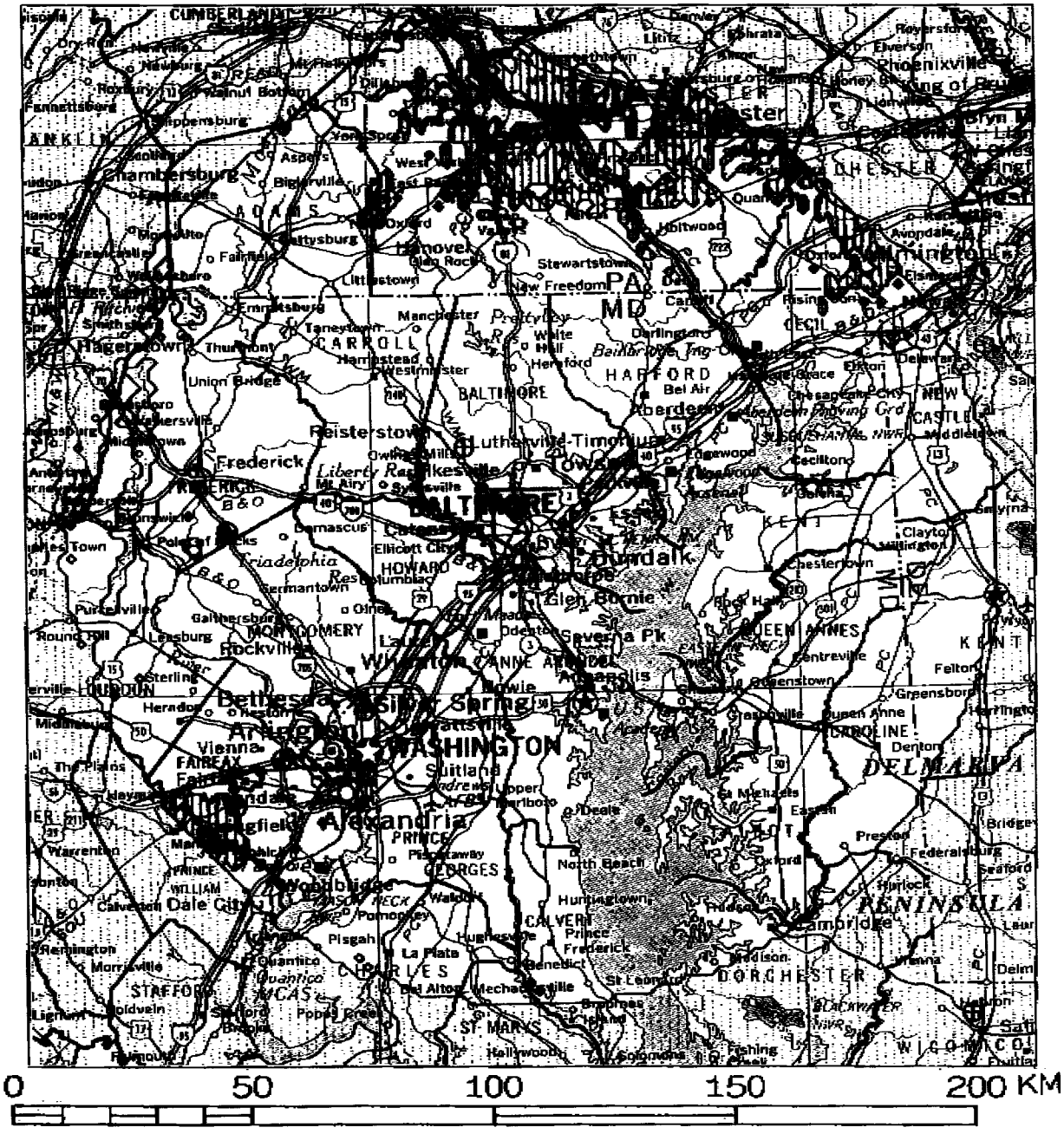
HDTV Interference
Area: 1150. sq km
Population: 238000.
Households: 88000.

NTSC Interference
Area: 180. sq km
Population: 62000.
Households: 21000.

Signal below minimum

* **Computation based on ITS Irregular Terrain Model for 50% confidence factor with results clipped at the limit of the predicted Grade B contour.**

Figure 1



JUNE 1997

INTERFERENCE STUDY*

WBAL-TV (DTV)

BALTIMORE, MARYLAND

CH 59 1000 KW 305 METERS

Prepared for

THE HEARST CORPORATION

Bernard R. Segal, P.E. Consulting Engineer

Note: This study is premised on WBPH-TV Bethlehem, PA, DTV Ch. 59 operation with 150 KW / 284 meters.

Signal to Interference ratio

No Interference
Area: 26700. sq km
Population: 6914000.
Households: 2561000.

HDTV Interference
Area: 1410. sq km
Population: 306000.
Households: 113000.

NTSC Interference
Area: 180. sq km
Population: 62000.
Households: 21000.

Signal below minimum

* Computation based on ITS Irregular Terrain Model for 50% confidence factor with results clipped at the limit of the predicted Grade B contour.

Figure 2